

DEVINE PARK LLP

PLANNING AND DEVELOPMENT LAWYERS

Patrick J. Devine
patrick.devine@devinepark.com
D 416.645.4570

Devine Park LLP
250 Yonge St., Suite 2302
P.O. Box. 65
Toronto ON M5B 2L7

T 416.645.4584
F 416.645.4569

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DELIVERED BY EMAIL (clerk@toronto.ca)

Mayor and Members of Council
City of Toronto
City Clerk's Office
13th Floor, West Tower, City Hall
100 Queen Street West
Toronto ON M5H 2N2

Attention: Ms. Ulli S. Watkiss, City Clerk

Dear Mayor Tory and Members of Council:

**RE: Item No. TE21.12 to be Considered at City Council Meeting
beginning on January 31, 2017
- Designation of the Garden District Heritage Conservation District
under Part V of the *Ontario Heritage Act*
- Objection filed on behalf of Duration Investments Limited**

Please be advised that we are the solicitors for Duration Investments Limited, the owner of the property located at Nos. 308-314 Jarvis Street and 225 Mutual Street. While my client's property is not located within the proposed Garden District Heritage Conservation District area, nonetheless, my client is very concerned about the implications of the proposed Heritage Conservation District Plan especially as it relates to the City's Official Plan policies regarding "Adjacency to Contributing Properties".

In particular, my client is concerned about the interrelationship between the proposed Garden District HCD and Official Plan Amendment No. 82 which covers the same area and is currently under appeal before the Ontario Municipal Board. In particular, at Page 20 in Section 2.3.1 of the proposed Garden District HCD Plan, there is reference to "2.3.1 Site and Area Specific Policy 82" (sic). I believe that the intention of this section was to refer to Official Plan Amendment No. 82 which was adopted on April 2, 2015. While the amendment is indeed "No. 82", the actual SASP number is in fact "No. 461". Obviously, this should be corrected before the Plan is ultimately approved. In any event, in the fourth paragraph under proposed Section 2.3.1, it reads as follows:

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"SASP 82 also recognizes the importance of parks and open spaces in the area, including Allan Gardens, Moss Park and the school playground of École Élémentaire Gabrielle-Roy, as *public realm* anchors in the area, with no net new shadows to be allowed on these open spaces. Recommendations for *public realm* enhancements including establishing a "green link" between Allan Gardens and Moss Park". (emphasis added).

It is this reference to "no net new shadows to be allowed on these open spaces" (i.e. including Allan Gardens and Moss Park), which gives my client considerable concern. As my client's objection to Official Plan Amendment No. 82 makes clear, this concept of "no net new shadows" is an extremely difficult one to achieve, especially in an urban setting like Downtown Toronto. Not only is it unnecessarily restrictive, it is also counter-productive to the creation of residential accommodation, the residents of which will be making use of such public space amenities as Allan Gardens and Moss Park.

Accordingly, for these reasons, please accept this letter as a letter of objection on behalf of my client with respect to the creation of the Garden District Heritage Conservation District and to the Garden District Heritage Conservation District Plan, in its entirety, as attached to the Planning Staff Report dated November 24, 2016, as Attachment 5. As was suggested at the recent Ontario Municipal Board prehearing regarding Official Plan Amendment No. 82, it is likely that all appeals of the Garden District Heritage Conservation District Plan should be joined with the current appeals of Official Plan Amendment No. 82 and all matters be heard together, due to their close interrelationship.

In addition, please add my name to the list of persons to be notified if Council does indeed decide to proceed forward with the adoption of the recommendations from Toronto and East York Community Council contained in Item No. 21.12.

Yours very truly,

Devine Park LLP



Patrick J. Devine

PJD/mp

cc: Duration Investments Limited